

REMARKS

This is in response to the Office Action of March 9, 2009. Claim 11 is cancelled, without prejudice. New claims 27-35 are added, corresponding to former claims 2-10. Claims 2-10 are cancelled, without prejudice. No new matter is introduced by this Amendment. Claims 1 and 12-26 are pending in the application, of which claims 1, 15-22, and 25 stand withdrawn from consideration on their merits.

Objections to the claims. Various objections to the claims are raised on pages 3-4 of the Office Action. The objection concerning the order of the claims is obviated by the present amendment. The objection to claims 13 and 11 as being duplicates is obviated by the cancellation of claim 11. The objection to claims 32 and 35 is respectfully traversed. Applicants respectfully submit that the formulae [III] and [IV] set forth in these claims describe the construction of the polymer, not the construction of recurring units therein. Accordingly, the Examiner is respectfully requested to withdraw this ground of objection..

Formal rejection. On page 5 of the Office Action, various rejections under the second paragraph of 35 U.S.C. § 112 are stated. The parentheses to which the Examiner objected do not appear in new claims 27, 32, and 35. Regarding the molecular weight recited in claim 30, Applicants respectfully submit that it is proper to describe the molecular weight of polymers without units (such as Daltons). Accordingly, withdrawal of this aspect of the rejection is respectfully solicited. Regarding the claim upon which claim 34 should be dependent, this has been changed in accordance with the kind suggestion of the Examiner. It is respectfully submitted that the claims in their current form satisfy the requirements of the statute.

Prior art rejections. On pages 11 of the Office Action, various claims are rejected under 35 U.S.C. §§ 102-103 over US 5,830,539 (Yan). To the extent that they might be applied to any of claims 12-14, 23, 24, or 26-35, these rejections are respectfully traversed.

It is respectfully submitted that the rejections set forth in the outstanding Office Action involve a misunderstanding of the “polymer” disclosed by Yan. The Yan technology is concerning with functionalizing the surface of a substrate by treating it with a functionalization

reagent. Yan also mentions that nucleic acid or the like is immobilized on the substrate by the method. Yan further mentions that the functionalizing reagent may comprise molecules each having two or more nitreneogenic groups (corresponding to photoreactive groups. Column 7, lines 1-2.

However, the functionalizing reagent disclosed by Yan is not a polymeric substance. What Yan mentions as “polymer” or “polymeric substance” in his specification is a substrate made from a polymer or a polymeric coating applied to the surface of the substrate. See, for instance, column 9, lines 14-20. All of the disclosure in Yan (e.g., column 3, lines 14-26 and lines 30-39; column 14, lines 41-42) which the Examiner compares with the “water soluble polymer” of the present invention related to the “substrate” or to the polymeric coating applied on the substrate.

According to Yan, the “polymer” is what is functionalized by the functionalizing reagent – not a functionalizing reagent *per se*. The disclosure relating to a “polymer” in Yan should be compared with “a substrate” in the present invention, not with “a water soluble polymer” in the present invention.

Moreover, polymethyl methacrylate and polyvinyl chloride, which the Examiner considers as a water soluble polymer in the Office Action (page 7, line 8 and page 8, line 9) are not water soluble.

In summary, the Yan technology and the present invention are completely different technologies from one another. Accordingly, the rejection of record with respect to novelty and unobviousness of the present invention over the Yan disclosure is technologically groundless. Withdrawal of the rejections based on the Yan reference is in order and is earnestly solicited.

Conclusion and contact information

Favorable reconsideration of the merits of the present invention, as it is described in claims 12-14, 23, 24, and 26-35 hereinabove, is earnestly solicited.


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Respectfully submitted,

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